

1. Amend Section 87202 to read:
2. Post Hearing: Amend Section 87202(a)(2) to read:

87202 FIRE CLEARANCE

87202

- (a) All facilities shall maintain a fire clearance approved by the city, county, or city and county fire department, ~~the~~ or district providing fire protection services, or the State Fire Marshal. Prior to accepting or retaining any of the following types of persons, the applicant or licensee shall notify the licensing agency and obtain an appropriate fire clearance, approved by the city, county, or city and county fire department, ~~the~~ or district providing fire protection services, or the State Fire Marshal, ~~through the licensing agency~~:

~~(1) Persons over 65 years of age.~~

~~(21)~~ Nonambulatory persons.

~~(2)~~ Bedridden persons

HANDBOOK BEGINS HERE

Health and Safety Code Section 1569.72(c) provides in part:

"(c) ...bedridden persons may be admitted to, and remain in, residential care facilities for the elderly that secure and maintain an appropriate fire clearance. A fire clearance shall be issued to a facility in which a bedridden person resides if either of the following conditions are met:

(1) The fire safety requirements are met. Residents who are unable to independently transfer to and from bed, but who do not need assistance to turn or reposition in bed, shall be considered nonambulatory for purposes of this paragraph.

(2) Alternative methods of protection are approved."

Health and Safety Code Sections 1569.72(h)(2)(B)(ii) provides:

"(h)(2)(B)(ii) Either the facility, the resident or residents' representative, or local fire official may request from the Office of the State Fire Marshal a written opinion concerning the interpretation of the regulations promulgated by the State Fire Marshal pursuant to this section for a particular factual dispute. The State Fire Marshal shall issue the written opinion within 45 days following the request."

Health and Safety Code Sections 1569.72(i) provides:

"(i) For facilities that care for six or fewer clients, a local fire official may not impose fire safety requirements stricter than the fire safety regulations promulgated for the particular type of facility by the Office of the State Fire Marshal or the local fire safety requirements imposed on any other single family dwelling, whichever is more strict."

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1569.2, ~~and~~ 1569.312, and 1569.72, Health and Safety Code.

Amend Section 87208 to read:

87208 PLAN OF OPERATION

87208

(a) (Continued)

(7) Sketches, showing dimensions, of the following:

(A) Building(s) to be occupied, including a floor plan that describes the capacities of the building for the uses intended and a designation of the rooms to be used for nonambulatory residents and for bedridden residents, other than for a temporary illness or recovery from surgery as specified in Sections 87606(d) and (e).

(B) (Continued)

(d) A licensee who accepts or retains bedridden persons shall include additional information in the plan of operation as specified in Section 87606(f).

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.15, 1569.157, 1569.175, 1569.2, 1569.31, 1569.312, 1569.313, 569.316, 1569.626, ~~and~~ 1569.627, and 1569.72, Health and Safety Code.

Amend Section 87212 to read:

87212 EMERGENCY DISASTER PLAN (Continued)

87212

(b) (Continued)

(2) Plan for evacuation including:

(A) Fire safety plan.

(B) Means of exiting.

(C) The assembly of residents to a predetermined evacuation site.

(D) Transportation arrangements.

(E) Relocation sites which are equipped to provide safe temporary accommodations for residents.

(F) Supervision of residents during evacuation or relocation and contact after relocation to assure that relocation has been completed as planned.

(G) Means of contacting local agencies such as fire department, law enforcement agencies, civil defense and other disaster authorities.

(3) Provision for notifying a resident's hospice agency, if any, in the event of evacuation and/or relocation.

~~(A) Fire Safety Plan.~~

~~(B) Means of exiting.~~

~~(C) Transportation arrangements.~~

~~(D) Relocation sites which are equipped to provide safe temporary accommodations for residents.~~

~~(E) Supervision of residents during evacuation or relocation and contact after relocation to assure that relocation has been completed as planned.~~

~~(F) Means of contacting local agencies such as fire department, law enforcement agencies, civil defense and other disaster authorities.~~

(c) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312 and 13131, Health and Safety Code.

Amend Section 87455 to read:

87455 ACCEPTANCE AND RETENTION LIMITATIONS (Continued) 87455

(b) The following persons may be accepted or retained in the facility: (Continued)

(6) Persons who are bedridden provided the requirements of Section 87606 are met.

(67) (Continued)

(c) No resident shall be accepted or retained if any of the following apply: (Continued)

(2) The resident requires 24-hour, skilled nursing or intermediate care as specified in Health and Safety Code Sections 1569.72(a) and (a)(1).

HANDBOOK BEGINS HERE

Health and Safety Code Sections 1569.72(a) and (a)(1) provide in part:

"(a) ...no resident shall be admitted or retained in a residential care facility for the elderly if any of the following apply:

(1) The resident requires 24-hour, skilled nursing or intermediate care."

HANDBOOK ENDS HERE

(3) (Continued)

~~(4) The resident is bedridden, other than for a temporary illness or for recovery from surgery, except as otherwise provided in Section 87455(f).~~

~~(d) For the purposes of this section, "bedridden" means any of the following:~~

~~(1) An applicant or resident who requires assistance in turning and repositioning in bed and is unable to leave a building unassisted under emergency conditions.~~

~~(2) An applicant or resident who is unable to independently transfer to and from bed and is unable to leave a building unassisted under emergency conditions.~~

~~(e) For the purposes of this section, "temporary illness" means any illness which persists for 14 days or less.~~

~~(f) A bedridden resident may be retained in a residential care facility for the elderly in excess of 14 days if all the following requirements are satisfied:~~

- ~~(1) The facility notifies the department in writing regarding the temporary illness or recovery from surgery.~~
- ~~(2) The facility submits to the department, with the notification, a physician and surgeon's written statement to the effect that the resident's illness or recovery is of a temporary nature. The statement shall contain an estimated date upon which the illness or recovery will end or upon which the resident will no longer be confined to a bed.~~
- ~~(3) The department determines that the health and safety of the resident is adequately protected in that facility and that transfer to a higher level of care is not necessary.~~
- ~~(g) Notwithstanding the length of stay of a bedridden resident, every facility admitting or retaining a bedridden resident, as defined in this section, shall, within 48 hours of the resident's admission or retention in the facility, notify the local fire authority with jurisdiction in the bedridden resident's location of the estimated length of time the resident will retain his or her bedridden status in the facility.~~
- ~~(hd) (Continued)~~

Authority Cited: Sections 1569.30 and 1569.698, Health and Safety Code.

Reference: Sections 1250, 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, 1569.699, and 1569.72, Health and Safety Code.

Amend Section 87633 to read:

Post Hearing: Amend Section 87633 to read:

87633 HOSPICE CARE FOR TERMINALLY ILL RESIDENTS (Continued) 87633

- (l) Residents receiving hospice care who are bedridden ~~as defined in Section 87455(d), may reside in the facility provided the facility notifies the local fire authority of the estimated length of time the resident will be bedridden~~ meets the requirements of Section 87606, Care of Bedridden Residents. ~~Notification must occur within 48 hours of the individual's bedridden status.~~
- (m) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, 1569.72, and 1569.73, Health and Safety Code.

1. Adopt Section 87606:
2. Post Hearing: Amend Section 87606 to read:

87606 CARE OF BEDRIDDEN RESIDENTS

87606

- (a) Unless otherwise specified, this section applies to licensees who accept or retain residents who are bedridden. The licensee shall be permitted to accept and retain residents who are or shall become bedridden, if all the following conditions are met.

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Health and Safety Code Section 1569.72(b)(1) provides in part:

"(b)(1) ...'bedridden' means either requiring assistance in turning and repositioning in bed, or being unable to independently transfer to and from bed..."

HANDBOOK ENDS HERE

- (b) A facility shall notify the local fire jurisdiction within 48 hours of accepting or retaining any bedridden person, as specified in Health and Safety Code Section 1569.72(f).

HANDBOOK BEGINS HERE

Health and Safety Code Section 1569.72(f) provides:

"(f) Notwithstanding the length of stay of a bedridden resident, every facility admitting or retaining a bedridden resident, as defined in this section, shall, within 48 hours of the resident's admission or retention in the facility, notify the local fire authority with jurisdiction in the bedridden resident's location of the estimated length of time the resident will retain his or her bedridden status in the facility."

HANDBOOK ENDS HERE

- (c) To accept or retain a bedridden person, other than for a temporary illness or recovery from surgery, a facility shall obtain and maintain an appropriate fire clearance as specified in Section 87202(a).
- (d) For the purposes of this section, "temporary illness" is defined in Health and Safety Code Section 1569.72(d)(1).

HANDBOOK BEGINS HERE

Health and Safety Code Section 1569.72(d)(1) provides:

"(d)(1) For purposes of this section, 'temporary illness' means any illness which persists for 14 days or less."

HANDBOOK ENDS HERE

- (e) A facility may retain a bedridden resident for more than 14 days if all of the requirements of Health and Safety Code Section 1569.72(e) are met.

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Health and Safety Code Section 1569.72(e) provides:

"(e) A bedridden resident may be retained in a residential care facility for the elderly in excess of 14 days if all of the following requirements are satisfied:

"(1) The facility notifies the department in writing regarding the temporary illness or recovery from surgery.

"(2) The facility submits to the department, with the notification, a physician and surgeon's written statement to the effect that the resident's illness or recovery is of a temporary nature. The statement shall contain an estimated date upon which the illness or recovery will end or upon which the resident will no longer be confined to a bed.

"(3) The department determines that the health and safety of the resident is adequately protected in that facility and that transfer to a higher level of care is not necessary.

"(4) This section does not expand the scope of care and supervision of a residential care facility for the elderly."

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- (1) If it is determined that a resident will be temporarily bedridden for more than 14 days, the facility shall notify the fire authority having jurisdiction of the revised estimated length of time that the resident will be bedridden, as required in Section 87606(b).
- (f) To accept or retain a bedridden person, a facility shall ensure the following:
- (1) The facility's Plan of Operation includes a statement of how the facility intends to meet the overall health, safety and care needs of bedridden persons.
- (A) The facility's Emergency Disaster Plan, addresses fire safety precautions specific to evacuation of bedridden residents in the event of an emergency or disaster.

- (B) In addition to the requirements specified in Care of Persons with Dementia, the needs of residents with dementia who are bedridden, shall be met.
- (C) The needs of residents who are terminally ill and who are bedridden shall be met.
- (2) Each bedridden resident's record includes sufficient documentation to demonstrate that the facility is meeting the needs of the individual resident as specified in Section 87506.
- (3) Staff records include documentation of staff training specific to Care of Bedridden Residents.
- (4) The facility's Register of Residents shall include:
 - (A) compliance with Section 87508,
 - (B) information related to resident room locator,
 - (C) register of residents be made available, upon request, to emergency personnel, and
 - (D) facility staff have knowledge of the location of the register of residents at all times.
- (g) Nothing contained in this section or in Chapter 8 precludes the licensing agency from requiring the relocation of a bedridden resident whose needs are not being met in a facility, or whose needs are beyond the scope of care of the facility.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, 1569.62, 1569.625, 1569.72, and 1569.80, Health and Safety Code.